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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 DELPHINE ALLEN; et al;

19 Plaintiffs,

20 vs.

21 CITY OF OAKLAND, et al.,

22 Defendants.

MASTER CASE NO. C-00-4599 TEH

PLAINTIFFS' ADMINISTRATIVE  
MOTION TO PERMIT PLAINTIFFS TO  
PRESENT LIMITED ORAL TESTIMONY  
AT HEARING ON PLAINTIFFS'  
RECEIVERSHIP MOTION;  
DECLARATION OF PLAINTIFFS'  
COUNSEL IN SUPPORT THEREOF AND  
[PROPOSED] ORDER

Hearing Date: December 13, 2012

Time: 10:00 a.m.

Courtroom: 2, 17th Floor

The Honorable Thelton E. Henderson

**PLAINTIFFS' ADMINISTRATIVE MOTION AND  
DECLARATION OF PLAINTIFFS' COUNSEL**

I, JAMES B. CHANIN, DECLARE:

1. I am an attorney licensed to practice law in the State of California and am one of the attorneys representing the Plaintiffs in the within action. I have personal knowledge of the matters stated herein and would testify to the same if called to do so in Court.

2. The hearing on Plaintiffs' motion for a receivership is scheduled to take place starting at 10:00 a.m. on December 3, 2012.

3. Northern District Local Rule 7-6 provides that no oral testimony will be received in connection with any motion, unless otherwise ordered by the assigned Judge.

4. Plaintiffs are hereby moving the Court for an Order allowing Plaintiffs to present limited oral testimony at the hearing on Plaintiffs' receivership motion as described below.

5. The parties stipulated to the December 13, 2012 hearing date for the Plaintiffs' receivership motion specifically because the Monitoring team is scheduled to be in the Bay Area performing their Monitoring duties at that time, with the expectation that members of the Monitoring team could be called to testify at the hearing on the receivership motion.

6. Since the Monitoring team will be in the Bay Area at the time of the hearing, it would be substantially less burdensome and more cost effective to have members of the Monitoring team testify at the time of the hearing, rather than at depositions. This is particularly true given the fact that most of the Monitoring team members reside on the East Coast. Taking depositions of Monitoring team members in multiple locations on the East Coast prior to the hearing would not only inconvenience and burden Monitoring team members, but it would substantially add to the cost and the attorneys' fees incurred by counsel for all the parties. Furthermore, it is likely that members of the Monitoring team will be continuing to develop information concerning the City's compliance efforts between now and the hearing date and their live testimony at the time of the hearing would provide the Court and the parties with the benefit of their most current data and information, which would not be the case if they were deposed prior to the hearing.

9. Plaintiffs are amenable to the Court setting reasonable time limits on the oral testimony presented at the hearing of this motion.

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James B. Chanin  
Attorney for Plaintiffs

Having considered the Administrative Motion of Plaintiffs and for good cause shown,

IT IS HEREBY ORDERED THAT Plaintiffs shall be granted leave to call members of the Monitoring team and Plaintiffs' experts to give oral testimony at the time of the hearing on Plaintiffs' motion for a receivership, which is set for hearing commencing at 10:00 a.m. on December 13, 2012.

Seal of the United States District Court for the Northern District of California, featuring the signature of Judge Thelton E. Henderson.